

Message Text

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L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
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R 101655Z AUG 78
FM AMEMBASSY BONN
TO SECSTATE WASHDC 0990
INFO AMEMBASSY BELGRADE
AMCONSUL MUNICH

C O N F I D E N T I A L SECTION 01 OF 02 BONN 14597

E.O. 11652: GDS
TAGS: PINS, GW, YO
SUBJECT: FRG-YUGOSLAV REQUESTS FOR EXTRADITION

REFS: A) BONN 14384; B) BELGRADE 4322; C) BONN 9927

1. A GERMAN COURT WILL RULE ON AUGUST 11 ON THE YUGOSLAV EXTRADITION REQUEST FOR STEPAN BILANDZIC, THE MOST PROMINENT OF THE EIGHT CROATIANS SOUGHT BY THE GOY. THE FOLLOWING IS A STATUS REPORT ON THE EIGHT CASES.

2. AS REPORTED REF A, A FRANKFURT COURT RULED ON AUGUST 7 THAT THERE WAS INSUFFICIENT EVIDENCE TO EXTRADITE IVAN DRAGOYA AND FRANJO MILICEVIC. BOTH WERE RELEASED FROM CUSTODY. THE FRG WILL NOW FORMALLY ADVISE THE GOY THAT THE EVIDENCE PRESENTED WAS INSUFFICIENT UNDER THE TERMS OF THE FRG-GOY EXTRADITION TREATY. THE GERMANS WILL PRESENT A POINT-BY-POINT EXPLANATION OF WHY THE EVIDENCE WAS CONSIDERED INSUFFICIENT IN BOTH CASES. THE FRG WILL ADVISE THAT THE CASES WILL BE CONSIDERED CLOSED UNLESS BELGRADE SUBMITS NEW EVIDENCE OR CAN DEMONSTRATE THAT NEW CIRCUMSTANCES WARRANT RENEWED EXAMINATION OF THE CASES.

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3. BILANDZIC, WHOSE CASE WILL BE DECIDED TOMORROW, IS THE ONLY ONE OF THE EIGHT CROATIANS PRESENTLY IN CUSTODY. WE ARE TOLD THE YUGOSLAVS CONSIDER HIM THE LEADER OF THE CROATIAN "TERRORISTS" AND ARE MOST ANXIOUS FOR HIS EXTRADITION.

4. A COURT DECISION IS EXPECTED TODAY ON WHETHER THERE IS SUFFICIENT EVIDENCE TO ARREST PAPAC. IF THE EVIDENCE IS DEEMED ADEQUATE TO TAKE PAPAC INTO CUSTODY, AN EXTRADITION HEARING WILL THEN FOLLOW.

5. THE REMAINING FOUR CROATIANS WHOSE EXTRADITION HAS BEEN REQUESTED BY THE GOY (FAZLIJA, CUDIC, MIKULIC, AND PETRIC) HAVE NEVER BEEN TAKEN INTO GERMAN CUSTODY. IN EACH INSTANCE, THE GERMAN COURTS RULED THAT THE YUGOSLAV EVIDENCE DID NOT WARRANT ARREST. THE FRG HAS INFORMED THE GOY THAT IT MUST BETTER SUBSTANTIATE ITS CHARGES. IN RESPONSE, THE GOY HAS SUBMITTED ADDITIONAL EVIDENCE BUT THE GERMAN COURTS HAVE YET TO REACH A DECISION AS TO WHETHER THE FOUR SHOULD BE ARRESTED AND HELD FOR POSSIBLE EXTRADITION.

6. AS WE OUTLINED IN REF C, THE HIGH COURT OF EACH LAND IN WHICH THE YUGOSLAVS ARE IMPRISONED MUST APPROVE EXTRADITION. IF THE COURT RULES AGAINST EXTRADITION THE CASE IS DISMISSED. A DECISION IN FAVOR OF EXTRADITION MUST BE CONCURRED IN BY THE LAND MINISTRY OF JUSTICE. ONLY THEN IS IT REFERRED TO THE FEDERAL AUTHORITIES, I.E. THE MINISTRY OF JUSTICE AND THE FOREIGN OFFICE, FOR FINAL ACTION.

7. THE FOREIGN OFFICE EXPECTS YUGOSLAV FOREIGN MINISTER
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VRHOVEC TO RAISE THE EXTRADITION REQUESTS DURING HIS

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 14597

MEETING WITH GENSCHER ON AUGUST 11 (THE DAY OF THE BILANDZIC DECISION). THE WORKING LEVEL HAS RECOMMENDED THAT GENSCHER OUTLINE THE JUDICIAL PROCESS INVOLVED, EMPHASIZING THE INDEPENDENCE OF GERMAN COURTS. GENSCHER IS EXPECTED TO EXPLAIN THAT THE FRG WILL PRESENT A DETAILED EXPLANATION OF WHY THE EVIDENCE WAS JUDGED TO BE INSUFFICIENT IN THE DRAGOYA AND MILICEVIC CASES. FURTHER, THAT THE GOY WILL HAVE THE OPPORTUNITY TO SUBMIT NEW EVIDENCE IF CIRCUMSTANCES SO WARRANT.

8. A FOREIGN OFFICE SOURCE NOTED PRIVATELY THAT GERMAN AUTHORITIES HAVE BEEN SOMEWHAT LAX IN CONTROLLING THE ACTIVITIES OF CROATIAN EXILE GROUPS IN THE FRG. HE THOUGHT IT POSSIBLE THAT GENSCHER, AS A CONCESSION TO VRHOVEC, MIGHT ALSO COMMIT THE FRG TO STEPS WHICH WOULD MORE CLOSELY MONITOR THE ACTIVITIES OF THE CROATIANS. IT IS QUESTIONABLE WHETHER THIS WILL SATISFY THE YUGOSLAVS, WHO MAY FEEL THAT THE GERMANS CAN BE PRESSED TO DO MORE. OUR SOURCE ASSERTED IN THIS CONNECTION THAT THE FRG HAD YIELDED IN THE DE HAAN CASE, RELEASING A YUGOSLAV AGENT (SVILAS) WHO HAD ATTEMPTED
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TO MURDER BILANDZIC, IN EXCHANGE FOR THE FREEDOM OF THE GERMAN LABOR OFFICIAL. OUR SOURCE MAINTAINED, AS HAS THE FRG, THAT DE HAAN WAS COMPLETELY INNOCENT OF ESPIONAGE ACTIVITIES.

9. THE FOUR GERMAN TERRORISTS HELD BY THE YUGOSLAVS ARE CONSIDERED KEY MEMBERS OF THE BAADER-MAINHOF GROUP. THE GERMANS ARE CONVINCED THAT THEIR TERRORIST ACTIVITIES HAVE BEEN CLEARLY DOCUMENTED FOR BELGRADE. A REFUSAL BY THE GOY TO EXTRADITE THEM WOULD CLEARLY INTRODUCE A NEGATIVE ELEMENT INTO GERMAN-YUGOSLAVIAN RELATIONS.
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